

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 5 AUGUST 2020

Recommendation from the Cabinet Planning and Parking Panel on 30 July 2020:-

ARTICLE 4 DIRECTION - EMPLOYMENT SITES

Members considered the report of the Corporate Director (Public Protection, Planning and Governance) on the Article 4 Direction which enables local planning authorities to remove permitted development rights, this means that if any such development is proposed, planning permission must be applied for in the normal way. This Panel had considered a report on this on 3 July 2019 and subsequently recommended to Cabinet that an Article 4 Direction which would remove permitted development rights allowing offices to be converted to residential use on four key employment sites within the Borough, should be consulted upon.

Appendix 1 attached to the report contained plans of the areas which are to be covered by the Article 4 Direction. Appendix 2 reports on the results of the consultation which was undertaken and following analysis of the results it has been proposed that the Article 4 Direction should be confirmed so that it can take effect on 12 October 2020.

It was noted though not in the report that the Government has introduced new statutory instruments (coming into effect in September 2020) further amending permitted development rights to include demolition of commercial buildings (dated prior 1990) and construction of new homes in their place. A report on this legislation will be presented to this Panel at the next meeting.

Members considered the following points:

- It was noted that with change of use through 'permitted development' you cannot secure S106 funds. There has been no affordable housing being delivered within the 400 new flats that have been created through this route and that there would be another 200 dwellings being created. Also these developments have not made any contributions to healthcare or open spaces that would normally be sought.
- Hertfordshire LEP carried out a study just over 18 months ago which has highlighted that there has been a loss of 400k sq. metres of office space across the County.
- It was noted that Officers had not considered the Old Hatfield area, as stated earlier under the public question item. Interested parties in the areas listed within the report had been consulted and of the comments received 15 support the A4D and 3 are in opposition. There was nothing significant to hinder the advancement of the A4D.

- Clarification was sought on the new permitted development rights (to come into force in September 2020) and it was advised that the rights apply to purpose-built residential blocks of flats only. The rights will also only apply to buildings constructed prior to 1 January 1990 that have been entirely vacant for at least 6 months prior to the application for prior approval. If an application is presented for demolition and it meets the tests set, the Council will have to consider this along with other factors such as flooding, roads, contamination and impact of noise on future residents and allow redevelopment.
- Members can only consider the A4D, as it stands at present. There will be changes in September 2020 and Members will be presented with an opportunity to debate the changes.

RESOLVED:

(Unanimously)

1. That Cabinet notes the results of the public consultation which took place for six weeks in October and November 2019.
2. That Cabinet approves the confirmation of the Article 4 Direction covering the most important office sites in the Borough, to start on 12 October 2020.